

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

SONOMA SPRINGS LIMITED  
PARTNERSHIP, a Nevada limited partnership,  
and SONOMA SPRINGS ASSOCIATES, LLC,  
a Nevada limited liability company,

Plaintiffs,

v.

FIDELITY AND DEPOSIT COMPANY OF  
MARYLAND, a Maryland Corporation and  
ZURICH AMERICAN INSURANCE  
COMPANY, a Maryland Corporation and DOES  
1-20, inclusive,

Defendants.

Case No.: 3:18-CV-0021-LRH-CBC

**STIPULATION AND ORDER TO  
REOPEN OR FURTHER EXTEND  
DISCOVERY FOR LIMITED PURPOSES  
AND TO EXTEND DEADLINE FOR  
PROPOSED JOINT PRETRIAL ORDER**

**(FOURTH REQUEST)**

Plaintiffs, SONOMA SPRINGS LIMITED PARTNERSHIP and SONOMA SPRINGS ASSOCIATES, LLC, (hereinafter collectively “Plaintiffs”), by and through their counsel of record, JAMES W. PUZEY, ESQ. and AUDREY DAMONTE, ESQ., of HOLLEY DRIGGS WALCH FINE PUZEY STEIN & THOMPSON, and Defendants, FIDELITY AND DEPOSIT COMPANY OF MARYLAND and ZURICH AMERICAN INSURANCE COMPANY, (hereinafter collectively “Defendants”) by and through their counsel of record, DAVID SLAUGHTER, ESQ., of SNOW CHRISTENSEN & MARTINEAU, agree and jointly move this Court, pursuant to Rule 6(b)(1)(A) and Local Rule 7-1, to extend the deadline to file a proposed joint Pretrial Order in compliance with Local Rules 16-3 and 16-4 (“Pretrial Order”) from May 15, 2020 to July 15, 2020. The Court earlier approved the parties’ stipulations to extend the deadline for the proposed joint Pretrial Order. (ECF Nos. 78, 80 and 82).

As the Court is aware, there is a Sixth Judicial District Court case between the contractor Ascent Construction, Inc. (Plaintiff/Counterdefendant) and Sonoma Springs Limited Partnership (Defendant/Counterclaimant) Sonoma Springs Associates, LLC (Defendant), Case Number CV 21,053, Dept. II, pending before the Honorable Michael R. Montero ("State Court Case"). The State Court Case involves issues that overlap with issues in this action. The parties in the related State Court Case, the two pending appeals with the Nevada Supreme Court, and this case have agreed to participate in a global settlement conference as part of the Nevada Supreme Court's mandatory settlement conference program. That settlement conference was to be held on March 20, 2020. However, due to the many executive orders and Court administrative orders relating to the Corona Virus outbreak, and assuming that viral conditions will improve by then, the settlement conference has been moved to June 11, 2020.

Further, to expedite discovery and limit costs in both cases, the Parties agreed to share discovery in both the State Court Case and this Federal case. Additional depositions will be re-scheduled and *subpoena duces tecum* will be served in the related State Court Case more particularly discussed below, during the period of extended discovery.

Consequently, the parties reasonably require additional time to participate in the settlement conference. If it is unsuccessful then the parties will need time to properly and accurately identify all of the factual and legal issues, exhibits and witnesses (and any objections thereto) that are required to be included in the proposed joint Pretrial Order.

Under the uncommon circumstances, including the somewhat unusual relationship between this case and the underlying State case between Sonoma and general contractor/bond principal Ascent Construction, the upcoming settlement conference, and the agreed upon consolidation of discovery in the two matters, there is good cause for the Parties' request that they be allowed additional time to participate in the global settlement conference, acquire and analyze the anticipated additional discovery to be elicited, and to identify all appropriate and necessary exhibits from among the thousands of documents disclosed in discovery, in order to complete their preparation of proposed joint Pretrial Order with this Court.

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With this background, and taking into account the respective schedules of counsel, a further extension to July 15, 2020, is both reasonable and necessary. The additional extension serves ultimately to save time and expense, while still ensuring a just determination of this action. This is a legitimate reason as recognized by Rule 1 of the Federal Rules of Civil Procedure, which states: "These rules . . . should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of . . . [the] proceeding." Since there is no trial date, no other deadlines will be impacted by this extension.

This is the fourth stipulation and request for an extension of time to file the proposed joint Pretrial Order. The stipulation and related request to the Court is being made in good faith and not for purpose of undue delay.

Therefore, pursuant to Rule 6(b)(1)(A) and Local Rule 7-1, the Parties request that the Court extend the deadline for the parties' submission of a proposed joint Pretrial Order to and including July 15, 2020.

**IT IS SO STIPULATED.**

Dated: March 27, 2020

Dated: March 27, 2020

**HOLLEY DRIGGS WALCH FINE  
PUZEY STEIN & THOMPSON**

**SNOW CHRISTENSEN & MARTINEAU**

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**ORDER**

**IT IS SO ORDERED.**

DATED this 27th day of March, 2020.

  
UNITED STATES MAGISTRATE JUDGE